

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Centre

ORIGINAL

: CIVIL ACTION NO.: 01-cv-01015I, Francis M. Dougherty being duly sworn, depose and say:FILED  
HARRISBURG, PA

DEC 05 2003

MARY E. D'ANDREA, CLERK  
Per [Signature]  
Deputy Clerk

- (1) I am employed as Business Manager at SCI - Rockview.  
I have served in that capacity since December 22, 1991.
- (2) The plaintiff, TYRONE JAMES Reg. No. EX-9451  
is presently incarcerated at the said institution.

- (3) The following is a listing of assets at the said institution belonging to plaintiff:

## a. Prison account

1.	Present balance:	\$	<u>10.07</u>
2.	Total amount of deposits during six months preceding the filing of the complaint:	\$	<u>545.81</u>
3.	Average monthly balance:	\$	<u>77.04</u>
4.	Average monthly deposits:	\$	<u>90.97</u>

## b. Employment

1.	Institution employment:	\$	<u>240.81</u>
2.	Average monthly deposits:	\$	<u>40.14</u>

c. Other resources:  
GIFTS

- (4) I have attached a true and correct copy of the record of the transactions of the prisoner's account which occurred within the six months preceding the filing of the complaint.
- (5) The above information set forth in this affidavit is true and correct to the best of my knowledge, information and belief.

[Signature]

Francis M. Dougherty, Business Manager

# TYRONE JAMES, EX9451

## AVERAGE MONTHLY BALANCE

DAY	ACCOUNT BALANCE	DAY	ACCOUNT BALANCE	DAY	ACCOUNT BALANCE	DAY	ACCOUNT BALANCE	DAY	ACCOUNT BALANCE	DAY	ACCOUNT BALANCE	6 MONTH AVERAGE
5/26/03	\$ 101.86	6/26/03	\$ 95.36	7/26/03	\$ 91.08	8/26/03	\$ 67.33	9/26/03	\$ 49.53	10/26/03	\$ 36.20	
5/27/03	\$ 135.56	6/27/03	\$ 95.36	7/27/03	\$ 91.08	8/27/03	\$ 67.33	9/27/03	\$ 49.53	10/27/03	\$ 36.20	
5/28/03	\$ 135.56	6/28/03	\$ 95.36	7/28/03	\$ 91.08	8/28/03	\$ 67.33	9/28/03	\$ 49.53	10/28/03	\$ 33.99	
5/29/03	\$ 120.31	6/29/03	\$ 95.36	7/29/03	\$ 91.08	8/29/03	\$ 64.78	9/29/03	\$ 49.53	10/29/03	\$ 33.99	
5/30/03	\$ 120.31	6/30/03	\$ 95.36	7/30/03	\$ 131.08	8/30/03	\$ 52.08	9/30/03	\$ 48.20	10/30/03	\$ 18.74	
5/31/03	\$ 120.31	7/1/03	\$ 95.36	7/31/03	\$ 115.83	8/31/03	\$ 52.08	10/1/03	\$ 48.20	10/31/03	\$ 34.74	
6/1/03	\$ 120.31	7/2/03	\$ 95.36	8/1/03	\$ 115.83	9/1/03	\$ 52.08	10/2/03	\$ 48.20	11/1/03	\$ 34.74	
6/2/03	\$ 120.31	7/3/03	\$ 119.36	8/2/03	\$ 104.29	9/2/03	\$ 52.08	10/3/03	\$ 48.20	11/2/03	\$ 34.74	
6/3/03	\$ 112.31	7/4/03	\$ 119.36	8/3/03	\$ 104.29	9/3/03	\$ 52.08	10/4/03	\$ 42.23	11/3/03	\$ 74.74	
6/4/03	\$ 112.31	7/5/03	\$ 119.36	8/4/03	\$ 103.86	9/4/03	\$ 52.08	10/5/03	\$ 42.23	11/4/03	\$ 68.74	
6/5/03	\$ 110.10	7/6/03	\$ 119.36	8/5/03	\$ 55.61	9/5/03	\$ 52.08	10/6/03	\$ 42.23	11/5/03	\$ 68.74	
6/6/03	\$ 110.10	7/7/03	\$ 119.36	8/6/03	\$ 55.61	9/6/03	\$ 52.08	10/7/03	\$ 42.23	11/6/03	\$ 68.74	
6/7/03	\$ 97.68	7/8/03	\$ 89.84	8/7/03	\$ 55.61	9/7/03	\$ 52.08	10/8/03	\$ 62.23	11/7/03	\$ 68.74	
6/8/03	\$ 97.68	7/9/03	\$ 89.84	8/8/03	\$ 55.61	9/8/03	\$ 52.08	10/9/03	\$ 62.23	11/8/03	\$ 51.30	
6/9/03	\$ 132.81	7/10/03	\$ 88.81	8/9/03	\$ 55.61	9/9/03	\$ 52.08	10/10/03	\$ 78.07	11/9/03	\$ 61.30	
6/10/03	\$ 160.81	7/11/03	\$ 88.81	8/10/03	\$ 55.61	9/10/03	\$ 52.08	10/11/03	\$ 65.04	11/10/03	\$ 48.79	
6/11/03	\$ 154.71	7/12/03	\$ 88.81	8/11/03	\$ 94.99	9/11/03	\$ 52.08	10/12/03	\$ 65.04	11/11/03	\$ 48.79	
6/12/03	\$ 154.81	7/13/03	\$ 88.81	8/12/03	\$ 94.99	9/12/03	\$ 52.08	10/13/03	\$ 65.04	11/12/03	\$ 48.79	
6/13/03	\$ 154.81	7/14/03	\$ 126.05	8/13/03	\$ 94.99	9/13/03	\$ 52.08	10/14/03	\$ 65.04	11/13/03	\$ 48.79	
6/14/03	\$ 154.81	7/15/03	\$ 126.05	8/14/03	\$ 94.99	9/14/03	\$ 52.08	10/15/03	\$ 65.04	11/14/03	\$ 40.69	
6/15/03	\$ 154.81	7/16/03	\$ 126.05	8/15/03	\$ 94.99	9/15/03	\$ 84.36	10/16/03	\$ 65.04	11/15/03	\$ 40.69	
6/16/03	\$ 154.81	7/17/03	\$ 126.05	8/16/03	\$ 72.73	9/16/03	\$ 84.36	10/17/03	\$ 54.41	11/16/03	\$ 40.69	
6/17/03	\$ 110.61	7/18/03	\$ 126.05	8/17/03	\$ 72.73	9/17/03	\$ 84.36	10/18/03	\$ 40.27	11/17/03	\$ 40.69	
6/18/03	\$ 118.61	7/19/03	\$ 96.20	8/18/03	\$ 68.73	9/18/03	\$ 84.36	10/19/03	\$ 40.27	11/18/03	\$ 40.69	
6/19/03	\$ 118.61	7/20/03	\$ 96.20	8/19/03	\$ 67.33	9/19/03	\$ 84.36	10/20/03	\$ 37.95	11/19/03	\$ 37.92	
6/20/03	\$ 118.61	7/21/03	\$ 96.20	8/20/03	\$ 67.33	9/20/03	\$ 64.78	10/21/03	\$ 37.95	11/20/03	\$ 38.67	
6/21/03	\$ 118.61	7/22/03	\$ 96.20	8/21/03	\$ 67.33	9/21/03	\$ 64.78	10/22/03	\$ 37.95	11/21/03	\$ 29.43	
6/22/03	\$ 118.61	7/23/03	\$ 96.20	8/22/03	\$ 67.33	9/22/03	\$ 64.78	10/23/03	\$ 37.95	11/22/03	\$ 13.48	
6/23/03	\$ 110.61	7/24/03	\$ 91.08	8/23/03	\$ 67.33	9/23/03	\$ 64.78	10/24/03	\$ 36.20	11/23/03	\$ 13.48	
6/24/03	\$ 110.61	7/25/03	\$ 91.08	8/24/03	\$ 67.33	9/24/03	\$ 64.78	10/25/03	\$ 36.20	11/24/03	\$ 10.07	
6/25/03	\$ 110.61			8/25/03	\$ 67.33	9/25/03	\$ 49.53			11/25/03	\$ 10.07	

AVG \$ 125.69

\$ 103.35

\$ 81.42

\$ 60.00

\$ 50.42

\$ 41.37

\$ 77.04

# **TYRONE JAMES, EX9451**

## **AVERAGE MONTHLY DEPOSITS**

DATE	INST	EMP	OTHER	TOTAL
5/27/03			\$ 50.00	\$ 50.00
6/9/03	\$ 43.91			\$ 43.91
6/10/03		\$ 35.00		\$ 35.00
6/17/03		\$ 15.00		\$ 15.00
6/18/03		\$ 10.00		\$ 10.00
7/3/03		\$ 30.00		\$ 30.00
7/14/03	\$ 46.93			\$ 46.93
7/30/03		\$ 50.00		\$ 50.00
8/11/03	\$ 49.23			\$ 49.23
9/15/03	\$ 40.35			\$ 40.35
10/8/03		\$ 25.00		\$ 25.00
10/10/03	\$ 19.80			\$ 19.80
10/31/03		\$ 20.00		\$ 20.00
11/3/03		\$ 50.00		\$ 50.00
11/10/03	\$ 40.59			\$ 40.59
11/20/03	\$ -	\$ 20.00		\$ 20.00
TOTALS	\$ 240.81	\$ 305.00		\$ 545.81
AVG	\$ 40.14			\$ 90.97

INMATE NAME  
NUMBER LAST FIRST MI  
EX9451 JAMES TYRONE P

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
8127	05-07-2003	32 ROC COMMISSARY FOR 5/07/2003	-3.78	88.26
4	05-08-2003	37 POSTAGE MAY	-1.54	86.72
8130	05-10-2003	32 ROC COMMISSARY FOR 5/12/2003	-7.48	79.24
27	05-12-2003	37 POSTAGE MAY	-6.72	72.52
29	05-12-2003	10 MAINTENANCE PAYROLL +PRIL WAGES 2003	45.55	118.07
29	05-12-2003	50 ACT 84 TRANSACTION * 1345/01 05/12/03	-9.11	108.96
37	05-13-2003	37 POSTAGE MAY	-1.75	107.21
49	05-13-2003	38 INSIDE PURCHASES LIBRARY COPIES 4-30-03	-.20	107.01
64	05-15-2003	37 POSTAGE MAY	-4.05	102.96
68	05-15-2003	38 INSIDE PURCHASES 3 COPIES - STATUS SHEET	-.30	102.66
75	05-16-2003	13 PERSONAL GIFT FROM BRENDA TUTT #159877	20.00	122.66
75	05-16-2003	50 ACT 84 TRANSACTION * 1345/01 05/16/03	-4.00	118.66
8137	05-17-2003	32 ROC COMMISSARY FOR 5/19/2003	-6.02	112.64
117	05-21-2003	37 POSTAGE MAY	-4.05	108.59
8144	05-24-2003	32 ROC COMMISSARY FOR 5/27/2003	-6.73	101.86
143	05-27-2003	13 PERSONAL GIFT FROM DAVIS, B #056955	50.00	151.86
143	05-27-2003	50 ACT 84 TRANSACTION * 1345/01 05/27/03	-10.00	141.86
145	05-27-2003	38 INSIDE PURCHASES LIBRARY COPIES (5/04)	-2.20	139.66
145	05-27-2003	38 INSIDE PURCHASES LIBRARY COPIES (5/05)	-3.20	136.46
145	05-27-2003	38 INSIDE PURCHASES LIBRARY COPIES (5/07)	-.40	136.06
145	05-27-2003	38 INSIDE PURCHASES LIBRARY COPIES (5/09)	-.50	135.56
9305	05-29-2003	34 RADIO/TV BASIC CABLE TV	-15.25	120.31

INMATE NAME  
NUMBER LAST FIRST MI  
EX9451 JAMES TYRONE P

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
193	06-03-2003	37 POSTAGE JUNE	-8.00	112.31
210	06-05-2003	37 POSTAGE JUNE	-2.21	110.10
8158	06-07-2003	32 ROC COMMISSARY FOR 6/09/2003	-12.42	97.68
234	06-09-2003	10 MAINTENANCE PAYROLL WAGES: 5/1 TO 5/31/03	43.91	141.59
234	06-09-2003	50 ACT 84 TRANSACTION * 1345/01 06/09/03	-8.78	132.81
241	06-10-2003	13 PERSONAL GIFT FROM JAMES, LAVERN #G256062	35.00	167.81
241	06-10-2003	50 ACT 84 TRANSACTION * 1345/01 06/10/03	-7.00	160.81
259	06-11-2003	38 INSIDE PURCHASES LIBRARY COPIES (5/16)	-2.40	158.41
259	06-11-2003	38 INSIDE PURCHASES LIBRARY COPIES (5/18)	-.70	157.71
259	06-11-2003	38 INSIDE PURCHASES LIBRARY COPIES (5/29)	-3.00	154.71
278	06-12-2003	14 MISCELLANEOUS REFUND-OVERCHARGED FOR COPIES	.10	154.81
301	06-17-2003	13 PERSONAL GIFT FROM JAMES, L #273358	15.00	169.81
301	06-17-2003	50 ACT 84 TRANSACTION * 1345/01 06/17/03	-3.00	166.81
303	06-17-2003	37 POSTAGE JUNE	-1.98	164.83
303	06-17-2003	37 POSTAGE JUNE	-1.98	162.85
303	06-17-2003	37 POSTAGE JUNE	-3.85	159.00
309	06-17-2003	31 OUTSIDE PURCHASES J.L. MARCUS, INC.	-32.50	126.50
8168	06-17-2003	32 ROC COMMISSARY FOR 6/17/2003	-15.89	110.61
319	06-18-2003	13 PERSONAL GIFT FROM SANDI WHITE #238882	10.00	120.61
319	06-18-2003	50 ACT 84 TRANSACTION * 1345/01 06/18/03	-2.00	118.61
355	06-23-2003	38 INSIDE PURCHASES JUNE LIBRARY COPIES	-.20	118.41
355	06-23-2003	38 INSIDE PURCHASES JUNE LIBRARY COPIES	-.10	118.31

INMATE NAME  
NUMBER LAST FIRST MI  
EX9451 JAMES TYRONE P

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
355	06-23-2003	38 INSIDE PURCHASES JUNE LIBRARY COPIES	-7.70	110.61
9306	06-26-2003	34 RADIO/TV BASIC CABLE TV	-15.25	95.36
BALANCE AFTER THESE TRANSACTIONS----->				95.36

INMATE	NAME				STARTING BALANCE
NUMBER	LAST	FIRST	MI		
EX9451	JAMES	TYRONE	P		95.36

BATCH #	DATE MO DY YEAR		TRANSACTION DESCRIPTION		TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
434	07-03-2003	13	PERSONAL GIFT FROM DAVIS, B.	#G517823	30.00	125.36
434	07-03-2003	50	ACT 84 TRANSACTION * 1345/01	07/03/03	-6.00	119.36
458	07-08-2003	38	INSIDE PURCHASES LIBRARY COPIES: 6/18		-1.20	118.16
458	07-08-2003	38	INSIDE PURCHASES LIBRARY COPIES: 6/23		-.40	117.76
458	07-08-2003	38	INSIDE PURCHASES LIBRARY COPIES: 6/23		-2.10	115.66
458	07-08-2003	38	INSIDE PURCHASES LIBRARY COPIES: 6/26		-.30	115.36
458	07-08-2003	38	INSIDE PURCHASES LIBRARY COPIES: 6/30		-3.20	112.16
8189	07-08-2003	32	ROC COMMISSARY FOR 7/08/2003		-22.32	89.84
477	07-10-2003	37	POSTAGE JULY		-1.33	88.51
499	07-14-2003	10	MAINTENANCE PAYROLL JUNE WAGES		46.93	135.44
499	07-14-2003	50	ACT 84 TRANSACTION * 1345/01	07/14/03	-9.39	126.05
8200	07-19-2003	32	ROC COMMISSARY FOR 7/21/2003		-15.90	110.15
8200	07-19-2003	32	ROC COMMISSARY FOR 7/21/2003		-13.95	96.20
602	07-24-2003	38	INSIDE PURCHASES LIBRARY COPIES: 7/01		-.70	95.50
602	07-24-2003	38	INSIDE PURCHASES LIBRARY COPIES: 7/08		-.60	94.90
602	07-24-2003	38	INSIDE PURCHASES LIBRARY COPIES: 7/10		-.70	94.20
602	07-24-2003	38	INSIDE PURCHASES LIBRARY COPIES: 7/14		-1.60	92.60
608	07-24-2003	37	POSTAGE JULY		-1.52	91.08
653	07-30-2003	13	PERSONAL GIFT FROM JAMES, A	#338188	50.00	141.08
653	07-30-2003	50	ACT 84 TRANSACTION * 1345/01	07/30/03	-10.00	131.08
9307	07-31-2003	34	RADIO/TV BASIC CABLE TV		-15.25	115.83
8214	08-02-2003	32	ROC COMMISSARY FOR 8/04/2003		-11.54	104.29

INMATE NAME  
NUMBER LAST FIRST MI  
EX9451 JAMES TYRONE P

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
696	08-05-2003	37 POSTAGE		
		AUGUST OVERSEAS MAIL	-.43	103.86
699	08-05-2003	31 OUTSIDE PURCHASES		
		J. L. MARCUS, INC.	-48.25	55.61
743	08-11-2003	10 MAINTENANCE PAYROLL		
		WAGES: 7/1 TO 7/31/03	49.23	104.84
743	08-11-2003	50 ACT 84 TRANSACTION *		
		1345/01 08/11/03	-9.85	94.99
8228	08-16-2003	32 ROC COMMISSARY		
		FOR 8/18/2003	-22.26	72.73
803	08-18-2003	38 INSIDE PURCHASES		
		LIBRARY COPIES: 7/21	-1.70	71.03
803	08-18-2003	38 INSIDE PURCHASES		
		LIBRARY COPIES: 7/22	-.50	70.53
803	08-18-2003	38 INSIDE PURCHASES		
		LIBRARY COPIES: 7/19	-1.80	68.73
824	08-19-2003	38 INSIDE PURCHASES		
		LIBRARY COPIES: 8/2	-.40	68.33
824	08-19-2003	38 INSIDE PURCHASES		
		LIBRARY COPIES: 8/6	-1.00	67.33
9308	08-28-2003	34 RADIO/TV		
		BASIC CABLE TV	-15.25	52.08
1001	09-15-2003	10 MAINTENANCE PAYROLL		
		AUGUST WAGES 2003	40.35	92.43
1001	09-15-2003	50 ACT 84 TRANSACTION *		
		1345/01 09/15/03	-8.07	84.36
8263	09-20-2003	32 ROC COMMISSARY		
		FOR 9/22/2003	-19.58	64.78
9309	09-25-2003	34 RADIO/TV		
		BASIC CABLE TV	-15.25	49.53
1119	09-30-2003	37 POSTAGE		
		SEPTEMBER	-1.33	48.20
		BALANCE AFTER THESE TRANSACTIONS----->		48.20



INMATE NAME  
 NUMBER LAST FIRST MI  
 EX9451 JAMES TYRONE P

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
1386	11-04-2003 38	INSIDE PURCHASES		
		LIBRARY COPIES: 10/24	-.40	71.64
1386	11-04-2003 38	INSIDE PURCHASES		
		LIBRARY COPIES: 10/27	-.20	71.44
1386	11-04-2003 38	INSIDE PURCHASES		
		LIBRARY COPIES: 10/30	-.40	71.04
1392	11-04-2003 38	INSIDE PURCHASES		
		23 PAGES - LEGAL COPIES	-2.30	68.74
8312	11-08-2003 32	ROC COMMISSARY		
		FOR 11/10/2003	-17.44	51.30
1429	11-10-2003 37	POSTAGE		
		NOVEMBER	-2.21	49.09
1431	11-10-2003 31	OUTSIDE PURCHASES		
		ACCESS CATALOG COMPANY	-32.77	16.32
1433	11-10-2003 10	MAINTENANCE PAYROLL		
		WAGES - OCTOBER 2003	40.59	56.91
1433	11-10-2003 50	ACT 84 TRANSACTION *		
		1345/01 11/10/03	-8.12	48.79
1470	11-14-2003 37	POSTAGE		
		NOVEMBER	-4.05	44.74
1470	11-14-2003 37	POSTAGE		
		NOVEMBER	-4.05	40.69
1511	11-19-2003 37	POSTAGE		
		NOVEMBER	-2.77	37.92
1520	11-20-2003 13	PERSONAL GIFT FROM		
		SANDI WHITE #391447	20.00	57.92
1520	11-20-2003 50	ACT 84 TRANSACTION *		
		1345/01 11/20/03	-4.00	53.92
9311	11-20-2003 34	RADIO/TV		
		BASIC CABLE TV	-15.25	38.67
1523	11-21-2003 37	POSTAGE		
		NOVEMBER	-2.44	36.23
1528	11-21-2003 38	INSIDE PURCHASES		
		(NOVEMBER) LIBRARY COPIES	-1.60	34.63
1528	11-21-2003 38	INSIDE PURCHASES		
		(NOVEMBER) LIBRARY COPIES	-3.60	31.03
1528	11-21-2003 38	INSIDE PURCHASES		
		(NOVEMBER) LIBRARY COPIES	-1.60	29.43
8326	11-22-2003 32	ROC COMMISSARY		
		FOR 11/24/2003	-15.95	13.48
1535	11-24-2003 37	POSTAGE		
		3OVEMBER	-3.41	10.07
BALANCE AFTER THESE TRANSACTIONS----->				10.07

OFFICE OF THE CLERK

MARCIA M. WALDRON  
CLERK

**UNITED STATES COURT OF APPEALS**

FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790  
Website: [pacer.ca3.uscourts.gov](http://pacer.ca3.uscourts.gov)

TELEPHONE

215-597-2995

November 21, 2003

ATTN: Warden  
Rockview SCI  
P.O. Box A  
Bellefonte, PA 16823

Re: **Docket No. 03-4252**  
**James v. York City Police**  
**District Court No. 01-cv-01015**

Dear Warden:

Enclosed herewith is a certified copy of an Order filed today directing the Warden to forward the initial payment assessed to the Clerk of the District Court.

Your check should be mailed to the Clerk of the District Court at the following address:

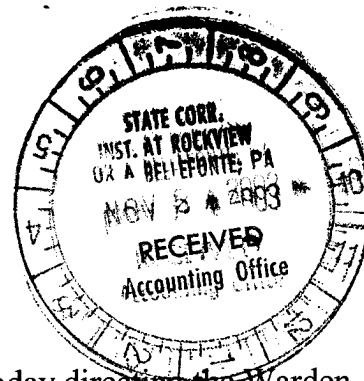
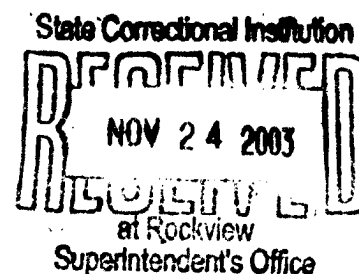
Robert V. Barth, Jr. Clerk  
United States District Court for the Middle District of Pennsylvania  
Room 1060  
228 Walnut Street  
Harrisburg, PA 17108

Please do not send the check or money order to The United States Court of Appeals.

Very truly yours,  
MARCIA M. WALDRON  
Clerk

By: Danielle R. Cherry, Case Manager

cc: Mr. Tyrone P. James #EX-9451



FPS-068

November 20, 2003

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

**No. 03-4252**

James v. York City Police  
(M.D. Pa. No. 01-cv-01015)

To: Clerk

1) Motion for Leave to Proceed In Forma Pauperis

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The foregoing Motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$105.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the Middle District of Pennsylvania. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the Middle District of Pennsylvania equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

This appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider any other appropriate action, such as summary affirmance of the order of the District Court. See Third Circuit Internal Operating Procedures Chapter 10.6.

For the Court,

*Marice M. Waldron*

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Clerk

Dated: November 21, 2003  
DRC/cc: Mr. Tyrone P. James  
Jason c. Giurintano, Esq.  
Donald L. Reihart, Esq.

STATE CORRECTIONAL INSTITUTION at ROCKVIEW  
BOX A  
BELLEFONTE, Pa. 16823-0820

*Mc*

**FILED**  
**HARRISBURG, PA**  
**DEC 05 2003**  
**MARY E. D'ANDREA, CLERK**  
**Per Deputy Clerk**

United States District Court  
Middle District of Penna.  
Room 1060  
228 Walnut Street  
Harrisburg, PA 17108

17108+3301

